

R E M A R K S

Careful review and examination of the subject application are noted and appreciated. Applicant's representative thanks Examiner Williams for the indication of allowable subject matter.

INFORMATION DISCLOSURE STATEMENT

The Examiner's attention is directed to the information disclosure statement filed concurrently with this response.

SUPPORT FOR CLAIM AMENDMENTS

Claims 13 and 19 have been amended for grammatical consistency. As such, no new matter has been introduced.

IN THE DRAWINGS

Applicant submits herewith a set of replacement sheets containing formal drawings for FIGS. 1-17. FIGS. 6, 8, 10 and 11 have been amended for consistency. Annotated Marked-up Drawing Sheets showing the changes to FIGS. 6, 8, 10 and 11 are submitted herewith. Support for the amendments to FIGS. 6, 8, 10 and 11 can be found in the drawings as originally filed, for example, on FIG. 6 and in the specification as originally filed, for example, on page 19, line 1-2, on page 38, line 7 through page 39, line 16 and on page 46, line 1 through page 48, line 10. As such, no new matter has been introduced.

IN THE SPECIFICATION

The specification has been amended to update cross-references to related applications. As such, no new matter has been introduced.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

The rejection of claims 1-3, 5-8 and 10-16 under 35 U.S.C. §103(a) as being unpatentable over Chen (U.S. patent No. 5,850,422) in view of Malek (U.S. Patent No. 3,983,498) is respectfully traversed and should be withdrawn.

Chen is directed to apparatus and method for recovering a clock signal which is embedded in an incoming data stream (Title of Chen). Malek is directed to a digital phase lock loop (Title of Malek).

In contrast to Chen and Malek, the presently claimed invention (claim 1) provides an analog circuit configured to generate a plurality of samples of an input signal in response to a plurality of phases of a reference clock. Claims 12 and 13 include similar limitations. The cited references, alone or in combination, do not teach or suggest each and every element of the presently claimed invention. As such, the presently claimed invention is fully patentable over the cited references and the rejections should be withdrawn.

Specifically, Chen fails to teach or suggest an analog circuit configured to generate a plurality of samples of an input signal in response to a plurality of phases of a reference clock,

as presently claimed. In particular, assuming *arguendo*, a circuit formed by elements 12 and 14 in FIG. 1 of Chen is similar to the presently claimed analog circuit (as suggested on page 3, lines 3-4 of the Office Action and for which Applicant's representative does not necessarily agree), Chen fails to teach or suggest an analog circuit, as presently claimed. Specifically, element 14 of Chen is illustrated in FIG. 3 of Chen as including a plurality of flip-flops, AND gates and OR gates. The Office Action fails to present any objective evidence or convincing line of reasoning that one of ordinary skill in the art would consider a circuit made up of flip-flops, AND gates and OR gates to be the same as the presently claimed analog circuit.

Furthermore, the circuit 14 of Chen does not appear to generate a plurality of **samples of an input signal** in response to a plurality of phases of a reference clock, as presently claimed. In particular, assuming the signal DATA is similar to the presently claimed input signal and the signals P0 through P9 are similar to the presently claimed plurality of phases of a reference clock, the circuit 14 of Chen does not sample the signal DATA in response to the signals P0-P9. Rather, the circuit 14 of Chen appears to use the signal DATA to trigger the plurality of flip-flops to sample the signals P0-P9 (see FIG. 3, the abstract and column 4, lines 54-58 of Chen). Since the circuit 14 of Chen (i) does not appear to be an analog circuit and (ii) does not appear to generate a plurality of samples of an input signal in response to a plurality of phases of a reference clock, as presently claimed, it follows

that Chen does not teach or suggest each and every element of the presently claimed invention. Therefore, the Office Action fails to meet the Office's burden to factually establish a *prima facie* case of obviousness (MPEP §2142). As such, the presently claimed invention is fully patentable over the cited references and the rejection should be withdrawn.

Malek does not cure the deficiencies of Chen. Specifically, Malek does not appear to teach or suggest an analog circuit configured to generate a plurality of samples of an input signal in response to a plurality of phases of a reference clock, as presently claimed. In particular, the Office Action states that Malek discloses a digital circuit (see page 3, lines 9-12 of the Office Action; see also the title of Malek). Thus, Chen and Malek, alone or in combination, do not teach or suggest each and every element of the presently claimed invention. Therefore, the Office Action fails to meet the Office's burden to factually establish a *prima facie* case of obviousness (MPEP §2142). As such, the presently claimed invention is fully patentable over the cited references and the rejection should be withdrawn.

Furthermore, the Office Action fails to present any objective evidence supporting the conclusory statement on page 3, lines 13-16 of the Office Action that "One skilled in the art would have clearly recognized that a digital circuit configured to measure a width of a symbol in the input stream in response to a plurality of samples and a plurality of phases of the reference clock and adjust the measured width in response to a correction

signal is a well-known technique introduced in many references." The Office Action fails to make specific findings as to the specific understanding, or knowledge in the art that would have compelled one of ordinary skill in the field of the invention to select the references for combination as in the pending claims. The Office Action fails to present any objective evidence or convincing line of reasoning with regard to the reasonable expectation of success in the combination of Chen and Malek. Therefore, the Office Action fails to meet the Office's burden of factually establishing a *prima facie* case of obviousness (MPEP §2142). As such, the presently claimed invention is fully patentable over the cited references and the rejections should be withdrawn.

Claims 2-11 and 14-20 depend, directly or indirectly, from either claim 1 or claim 13, which are believed to be allowable. As such, the presently claimed invention is fully patentable over the cited references and the rejection should be withdrawn.

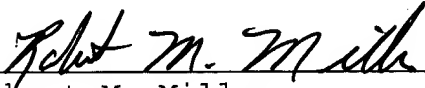
Accordingly, the present application is in condition for allowance. Early and favorable action by the Examiner is respectfully solicited.

The Examiner is respectfully invited to call the Applicant's representative at 586-498-0670 should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge Deposit
Account No. 12-2252.

Respectfully submitted,

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Dated: November 2, 2004

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Docket No.: 01-121 / 1496.00109

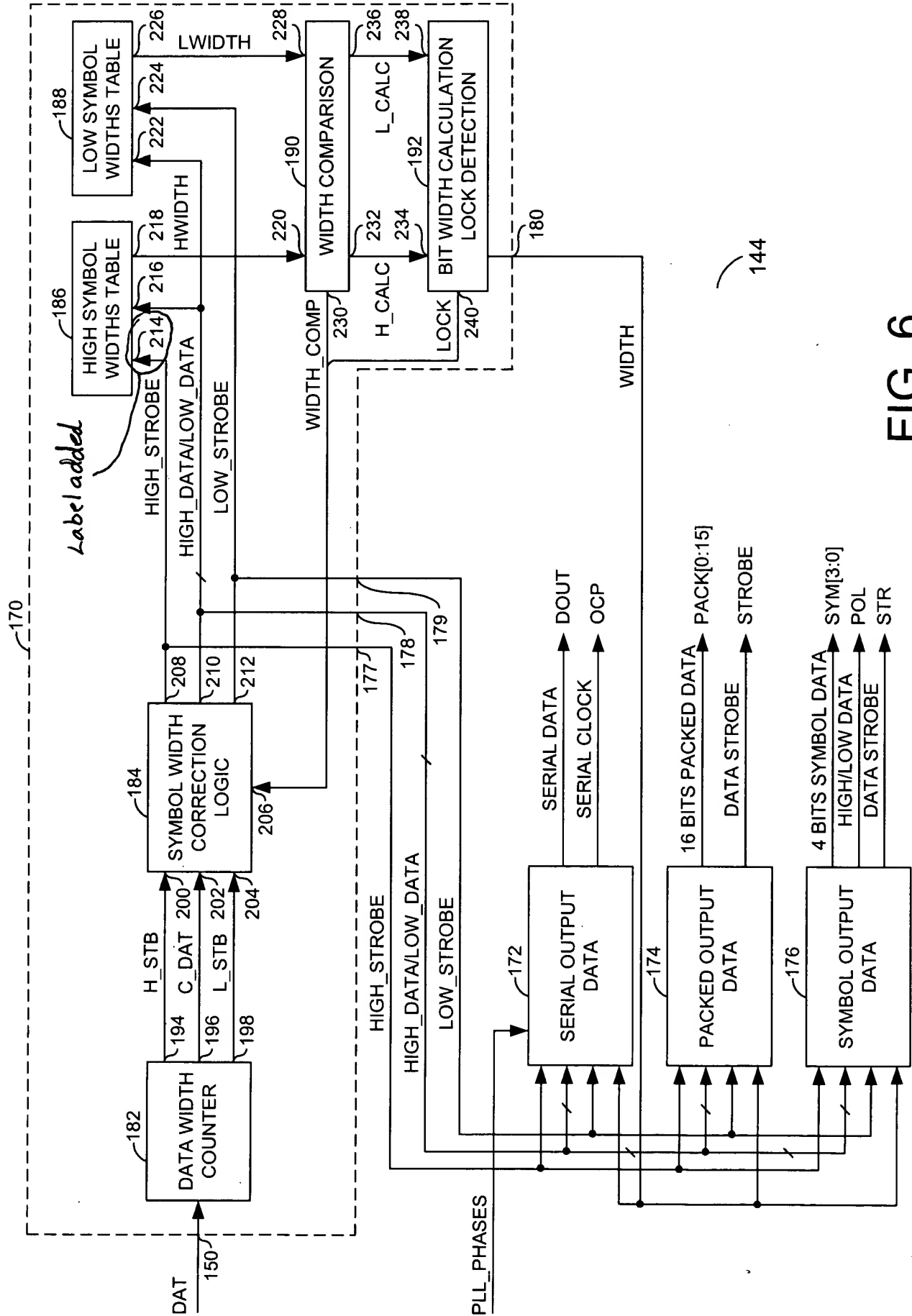


FIG. 6

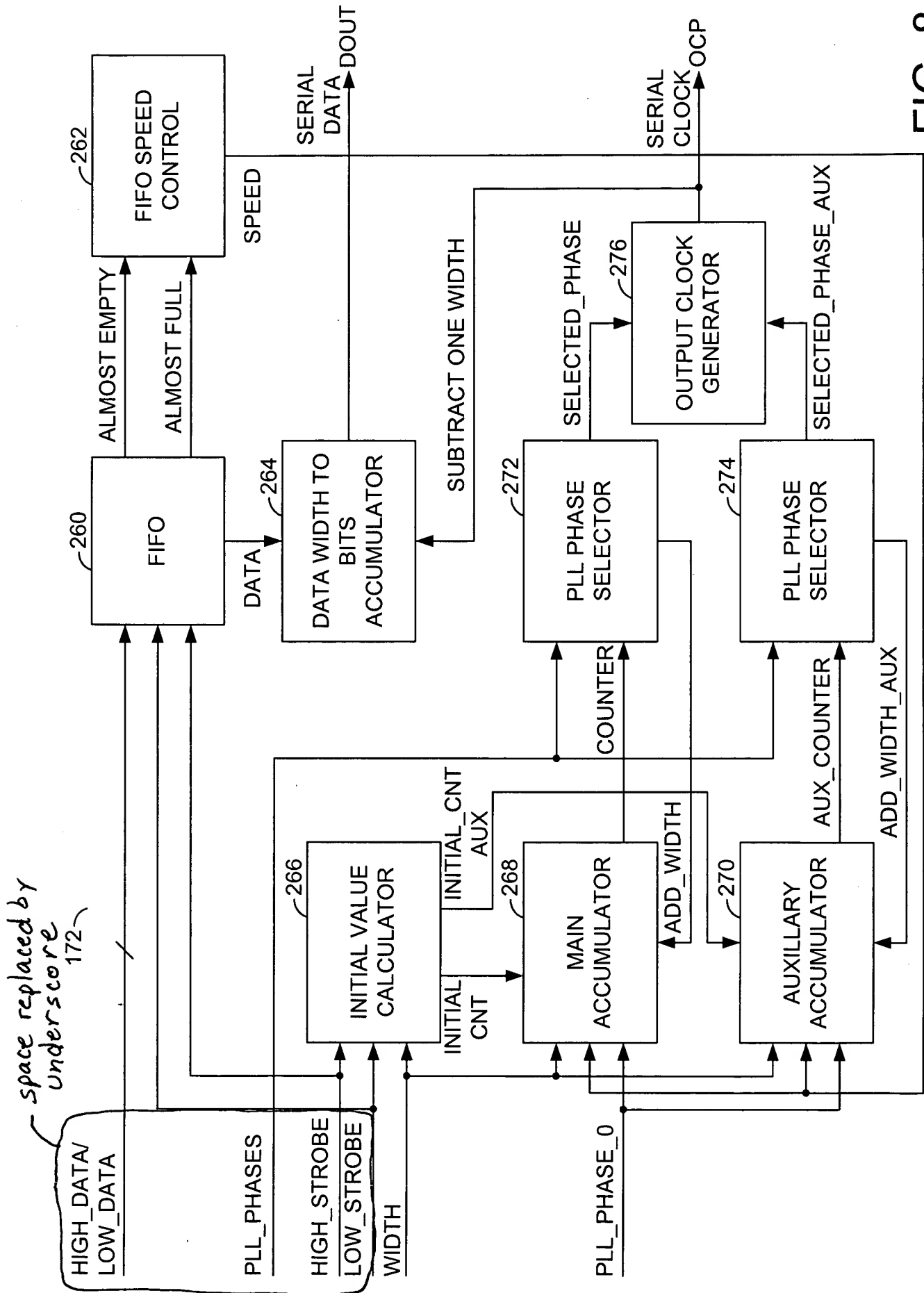


FIG. 8

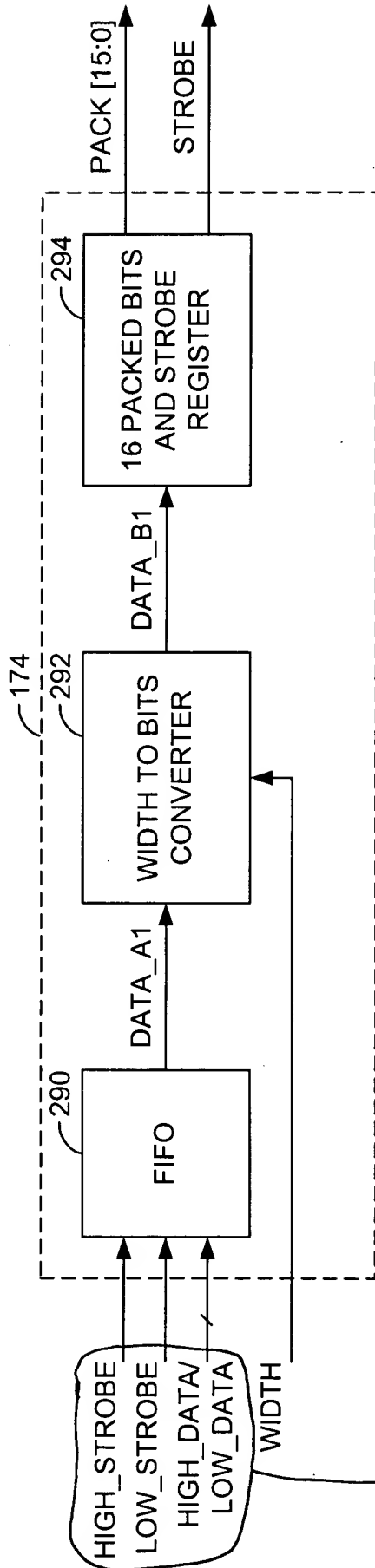


FIG. 10

space replaced by underscore

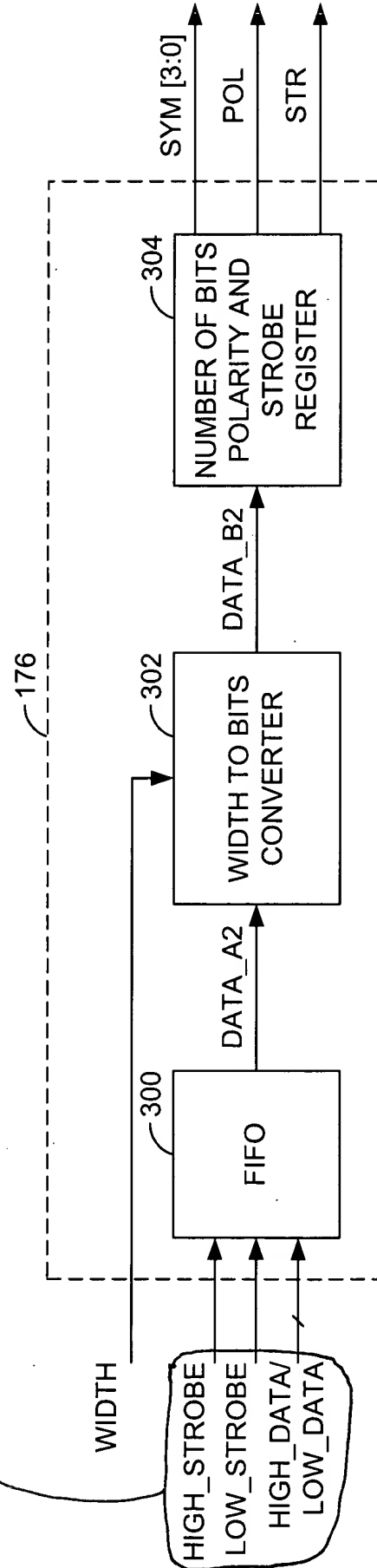


FIG. 11